

**REVISED MANDATORY DISCLOSURE STATUTE
EFFECTIVE: 7/1/2011**

12-43-214. Mandatory disclosure of information to clients. (1) Except as otherwise provided in subsection (4) of this section, every ~~unlicensed psychotherapist, licensee, REGISTRANT, OR certificate holder or registrant~~ shall provide the following information VERBALLY AND in writing to each client during the initial client contact:

(a) The name, business address, and business phone number of the ~~unlicensed psychotherapist, licensee, REGISTRANT, OR certificate holder; or registrant,~~

(b) (I) AN EXPLANATION OF THE LEVELS OF REGULATION APPLICABLE TO MENTAL HEALTH PROFESSIONALS UNDER THIS ARTICLE AND THE DIFFERENCES BETWEEN LICENSURE, REGISTRATION, AND CERTIFICATION, INCLUDING THE EDUCATIONAL, EXPERIENCE, AND TRAINING REQUIREMENTS APPLICABLE TO THE PARTICULAR LEVEL OF REGULATION; AND

(II) A listing of any degrees, credentials, certifications, REGISTRATIONS, and licenses HELD OR OBTAINED BY THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER, INCLUDING THE EDUCATION, EXPERIENCE, AND TRAINING THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER WAS REQUIRED TO SATISFY IN ORDER TO OBTAIN THE DEGREE, CREDENTIALS, CERTIFICATIONS, REGISTRATIONS, OR LICENSES;

(c) A statement indicating that the practice of ~~both licensed and unlicensed~~ OR REGISTERED persons and ~~certified or licensed school psychologists~~ in the field of psychotherapy is regulated by the ~~department of regulatory agencies~~ DIVISION, and an address and telephone number for the ~~grievance board~~ and THAT REGULATES THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER;

(d) A statement indicating that:

(I) A client is entitled to receive information about the methods of therapy, the techniques used, the duration of therapy, if known, and the fee structure;

(II) The client may seek a second opinion from another therapist or may terminate therapy at any time;

(III) In a professional relationship, sexual intimacy is never appropriate and should be reported to ~~the director or the board that regulates~~ LICENSEES, registers, OR certifies ~~or licenses such unlicensed psychotherapist~~ THE LICENSEE, registrant, OR certificate holder; ~~or licensee,~~

(IV) The information provided by the client during therapy sessions is legally confidential in the case of licensed marriage and family therapists, social workers, professional counselors, AND psychologists; licensed or certified addiction counselors; and ~~unlicensed~~ REGISTERED psychotherapists, except as provided in section 12-43-218 and except for certain legal exceptions that will be identified by the licensee, registrant, OR certificate holder ~~or unlicensed psychotherapist~~ should any such situation arise during therapy; AND

(e) IF THE MENTAL HEALTH PROFESSIONAL IS A REGISTERED PSYCHOTHERAPIST, A STATEMENT INDICATING THAT A REGISTERED PSYCHOTHERAPIST IS A PSYCHOTHERAPIST LISTED IN THE STATE'S DATABASE AND IS AUTHORIZED BY LAW TO PRACTICE PSYCHOTHERAPY IN COLORADO BUT IS NOT LICENSED BY THE STATE AND IS NOT REQUIRED TO SATISFY ANY STANDARDIZED EDUCATIONAL OR TESTING REQUIREMENTS TO OBTAIN A REGISTRATION FROM THE STATE.

(2) If the client is a child who is consenting to mental health services pursuant to section 27-65-103, C.R.S., disclosure shall be made to the child. If the client is a child whose parent or legal guardian is consenting to mental health services, disclosure shall be made to the parent or legal guardian.

(3) In residential, institutional, or other settings where psychotherapy may be provided by multiple providers,

disclosure shall be made by the primary therapist. The institution shall also provide a statement to the patient containing the information in paragraphs (c) and (d) of subsection (1) of this section and a statement that the patient is entitled to the information listed in paragraphs (a) and (b) of subsection (1) of this section concerning any psychotherapist in the employ of the institution who is providing psychotherapy services to the patient.

(4) The disclosure of information required by subsection (1) of this section is not required when psychotherapy is being administered in any of the following circumstances:

(a) In an emergency;

(b) Pursuant to a court order or involuntary procedures pursuant to sections 27-65-105 to 27-65-109, C.R.S.;

(c) The sole purpose of the professional relationship is for forensic evaluation;

(d) The client is in the physical custody of either the department of corrections or the department of human services and such department has developed an alternative program to provide similar information to such client and such program has been established through rule or regulation; ~~pursuant to the "State Administrative Procedure Act", article 4 of title 24, C.R.S.,~~

(e) The client is incapable of understanding such disclosure and has no guardian to whom disclosure can be made;

(f) By a social worker practicing in a hospital that is licensed or certified under section 25-1.5-103(1)(a)(I) or (1)(a)(II), C.R.S.;

*(g) By a person licensed or certified pursuant to this article, or by ~~an unlicensed~~ **A REGISTERED** psychotherapist practicing in a hospital that is licensed or certified under section 25-1.5-103 (1) (a) (I) or (1) (a) (II), C.R.S.*

(5) If the client has no written language or is unable to read, an oral explanation shall accompany the written copy.

(6) Unless the client, parent, or guardian is unable to write, or refuses or objects, the client, parent, or guardian shall sign the disclosure form required by this section not later than the second visit with the psychotherapist.